

DEPARTMENT OF HUMAN RESOURCES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY CASH ASSISTANCE MANUAL
Chapter XIV: ADVERSE ACTION	COMAR 07.03.03.06
Section I: ADVERSE/TIMELY NOTICE	

PURPOSE

An explanation of adverse actions that can take be taken on an application or active case is provided in this section. Any negative action taken to terminate or reduce a customer's benefit is an adverse action.

I. ADVERSE ACTION

A. A adverse action is a:

1. Denial of an application for assistance because the:
 - a. FIP or other eligibility requirements have not been met
 - b. Requested verifications are not received
 - c. Applicant fails to cooperate with child support
 - d. Applicant fails to comply with work requirements
 - e. Applicant dies
 - f. Applicant withdraws the request for assistance
2. Reduction in benefits because:
 - a. The size of the assistance unit decreases (an assistance unit member leaves home, or turns age 18 or 19 graduating from school)
 - b. The countable income of the assistance unit increases
 - c. An assistance unit member begins to receive new countable income (Supplemental Security Benefits, Social Security Benefits, Unemployment Benefits, etc.)
 - d. The needs of a sanctioned assistance unit member were removed
 - e. Proof of a social security number was not received (nor was proof of filing for one received)
 - f. An assistance unit member dies

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3. Suspension of benefits because:

- a. The case is in an active no pay status (Grant diversion)
- b. The grant amount is under \$10

4. Benefits are closed because:

- a. Required verifications are not received.
- b. A full family sanction is applied.
- c. Technical or financial eligibility no longer exists, such as
 - 1. Income is higher than the grant amount.
 - 2. The only child in the assistance unit turns 18 and is graduating from high school or the child is 18 and will not graduate before the end of the calendar year in which the child turns 19.
 - 3. Assets are over the allowable limit.
 - 4. The recipient requests the case closed.
 - 5. The family moves to another state.
 - 6. The customer fails to comply with Quality Control (QC).
 - 7. The customer did not cooperate with the mandatory disabled TCA applicant or recipient requirements.
 - 8. The customer dies.

B. Notify the applicant or customer, in writing, when adverse action is anticipated.

C. Adverse action is effective the 1st day of the month following the month in which the 10 calendar days adverse action period expires, unless the adverse action period is waived by the customer.

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II. **ADEQUATE AND TIMELY NOTICE**

- A. Notify the recipient, during the application, recertification, or interim change process, that:
 1. An eligibility factor needs to be verified or clarified
 2. Requested proofs must be received in the local department by the date noted in the notice
- B. If the customer fails to respond, send adequate and timely notice which includes the following:
 1. The date the notice is sent
 2. A statement of the intended action
 3. The effective date of the intended action
 4. The reason for the intended action
 5. The Code of Maryland Regulations (COMAR) which supports the intended action
 6. The rights of the customer
 7. How to file for an Administrative Hearing if the customer disagrees with the decision.
 - **DHR/FIA 334 form, Appeal for Fair Hearings**
 8. The circumstances under which assistance can continue, through the end of the reconsideration period, without interruption or reduction
 9. An additional 4 lines of text on the adverse action notice
- C. Mail the notice at least 10 calendar days before the date of the intended action (Timely notice)

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- D. When a customer benefits continued pending the Administrative Law Judge's (ALJ) decision, **do not allow benefits to continue beyond the end of the redetermination due date**

Note: An applicant has not received a benefit so there is no benefit to continue.

- D. The CARES system automatically closes or reduces benefits, effective the 1st day of the month after the adverse action period ends.

EXCEPTIONS TO TIMELY NOTICE:

- A. Timely notice does not have to be sent when:

1. There is confirmation that the payee or the head of household has died
2. The applicant or recipient provides the local department with a clearly written and signed statement requesting denial of an application.
3. The customer provides a clearly written statement that the customer has been advised of a benefit reduction or closing, and waives the right to the 10 calendar days adverse action period.
4. Mail sent to the applicant or customer is returned to the local department by the Post Office with indication that the individual has moved and left no forwarding address (The local department must make attempts to locate the individual by telephone, through social services if an active service case exists, etc., and note the outcome in the case record)
5. There is confirmation that the assistance unit or an assistance unit member is permanently residing in another state.
6. A child is removed from the home by court order or voluntarily placed in Foster Care by the caretaker

- E. Anytime the count of an adverse action period begins in one month and expires in the next month, the intended action is effective the 3rd month

Note: Adequate notice is **always** required, even when **timely** notice is not needed.

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EXAMPLES:

Mrs. Bradshaw applied for cash assistance on January 4th due to illness. She called the office on January 7th to advise the case manager that she would not need cash assistance because she had started receiving sick pay. She requested her application for assistance be withdrawn.

- The case manager mailed a denial letter, giving adequate and timely notice the same day that Mrs. Bradshaw called. The request can be denied any date up to and including the 30th day after the application date.

Example 2 Mr. Ghee has been receiving assistance for himself, his wife, son, and 2 daughters. He has found full-time employment and wishes to close his TCA case. He came into the office on February 25th and signed a letter requesting the closing of his case and also waiving his right to timely notice. Mr. Ghee assured the case manager that he understood he would not receive cash assistance for the month of March.

- The cash assistance cash was closed effective March 1, 2000. The family was given the medical assistance and childcare extensions. If Mr. Ghee had not waived his right to timely notice, the case manager would have mailed adequate and timely notification on February 25th and the case would have closed effective April 1.

Example 3. Mrs. Toler has been receiving assistance for herself and her 2 nephews. She began to receive worker's compensation and wishes to be removed from the assistance unit. On March 6th she called and reported receipt of her 1st check.

- The case manager sent her adequate and timely notice on March 8th that the cash assistance grant would be reduced effective April 1.

ADDITIONAL INFORMATION

- Appeals and Hearings - Appeal Requests
- Appeals and Hearings - Office of Administrative Hearings
- Application Process
- Application - Decisions

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- Interim Changes
- Sanctions